

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-100639
	:	TRIAL NOS. B-0602936
Plaintiff-Appellee,	:	B-0603269
	:	B-0610839
vs.	:	
RICHARD JORDAN,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Defendant-appellant Richard Jordan presents on appeal a single assignment of error challenging the Hamilton County Common Pleas Court's judgment denying his Crim.R. 32.1 motions to withdraw his guilty pleas. We overrule the assignment of error upon our determination that the common pleas court did not abuse its discretion in overruling Jordan's motions, when he failed to sustain his burden of demonstrating that withdrawing his pleas was necessary to correct a manifest injustice. See Crim.R. 32.1; *State v. Smith* (1977), 49 Ohio St.2d 261, 361 N.E.2d 1324, paragraphs one and two of the syllabus.

In his motions, Jordan asserted that the warrant for the search of his residence had not been supported by an affidavit. As a consequence, he insisted, his guilty pleas had been the unknowing and unintelligent product of both prosecutorial misconduct, in

failing to disclose that evidence had been seized from his residence in an “ILLEGAL AND WARRANTLESS SEARCH,” and his trial counsel’s ineffectiveness, in failing to move to suppress that evidence.

Jordan offered in support of his motions, and his motions depended for their resolution upon, evidence outside the record. Therefore, the common pleas court erred in dismissing the motions under the doctrine of res judicata. See *State v. Cole* (1982), 2 Ohio St.3d 112, 114, 443 N.E.2d 169; *State v. Perry* (1967), 10 Ohio St.2d 175, 26 N.E.2d 104, paragraph nine of the syllabus.

But the court properly overruled the motions, albeit for the wrong reason. See *State v. Peagler*, 76 Ohio St.3d 496, 1996-Ohio-73, 668 N.E.2d 489, paragraph one of the syllabus (holding that an appellate court may decide a legal issue on different grounds if the trial record supports the decision); *State v. Blankenship* (1988), 38 Ohio St.3d 116, 119, 526 N.E.2d 816 (noting that a reviewing court will affirm a trial court that “reached the correct result even though for the wrong reason”). A knowing, voluntary, and intelligent guilty plea waives any “independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.” *State v. Spates*, 64 Ohio St.3d 269, 272, 1992-Ohio-130, 595 N.E.2d 351, quoting *Tollett v. Henderson* (1973), 411 U.S. 258, 267, 93 S.Ct. 1602; accord *State v. Morgan*, 1st Dist. No. C-080011, 2009-Ohio-1370, ¶25. And the record before the common pleas court in deciding Jordan’s motion cannot be said to demonstrate that his guilty pleas were unknowing or unintelligent.

The common pleas court, in ruling upon Jordan’s motions, did not have before it a transcript of the proceedings at either the plea hearing or sentencing, because Jordan neither appealed his convictions nor submitted with his motions a

transcript of those proceedings. Nor did the outside evidence offered in support of the motions demonstrate that his pleas were unknowing or unintelligent, when the evidence did not prove the premise underlying his prosecutorial-misconduct and ineffective-counsel claims, that no affidavit supported the issuance of the search warrant. Thus, Jordan, by his knowing, voluntary, and intelligent guilty pleas, waived those claims.

Because Jordan failed to demonstrate that withdrawing his pleas was necessary to correct a manifest injustice, the common pleas court did not abuse its discretion in overruling his Crim.R. 32.1 motions. Accordingly, we affirm the judgment of the court below.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and HENDON, JJ.

To the clerk:

Enter upon the journal of the court on November 4, 2011
per order of the court _____.
Presiding Judge